

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

In the matter of:)	Order No. R8-2008-0039
)	for
L & H Mold & Engineering)	Administrative Civil Liability
2031 Del Rio Way)	
Ontario, CA 91761)	
)	
<u>Attention: Ms. Brenda Bishop</u>)	

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board) held a hearing on February 29, 2008 and adopted Order No. R8-2008-000039 to affirm the penalty assessment contained in Complaint No. R8-2007-0021, dated May 16, 2007 and direct staff to collect the unpaid balance of the assessment. The Complaint was issued pursuant to California Water Code sections 13385 and 13399.33. The total assessed amount was \$5,000. The unpaid amount is \$3,750. The Board finds as follows:

1. On April 17, 1997, the State Water Resources Control Board (SWRCB) adopted Waste Discharge Requirements, Order No. 97-03-DWQ, (NPDES No. CAS000001), General Permit for Storm Water Discharges Associated with Industrial Activities (Permit). L & H Mold & Engineering (L & H), located at 2240 E. Cedar Street in Ontario, is authorized to discharge storm water under the Permit, WDID 8 36I 016177. The General Permit requires submittal of an annual report by July 1 of each year.
2. The 2005-2006 annual report was not received from L & H by July 3, 2006 (July 1, 2006 was a Saturday). A Notice of Non-Compliance (NNC) was issued to L & H by certified mail, on August 4, 2006. Because the annual report was not received by the date specified in the NNC, a second NNC was issued on September 11, 2006, again by certified mail. In the second NNC, Board staff requested submittal of the annual report by October 11, 2006. L & H did not submit the annual report by October 11, 2006. On November 2, 3, and 6, 2006, L & H contacted Board staff and indicated that the annual report was being prepared by a consultant and would be submitted by November 8, 2006. On November 8, 2006, the annual report was submitted to the Board office.
3. On May 16, 2007, the Executive Officer issued Administrative Civil Liability Complaint No. R8-2007-0021 to L & H proposing that the Board impose civil liability in the amount of \$5,000 on L & H for failure to submit the annual report by the due date (copy attached).

4. On June 25, 2007 L & H waived its right to a hearing before the Board, paid \$1,250 and agreed to pay the balance of the \$5,000 penalty in three installments of \$1,250 each. The agreed upon installment due dates were July, 2, July 9, and July 16, 2007. Despite various attempts by staff to contact the facility, L & H failed to pay any of the installments.
5. On August 13, 2007, staff sent a letter requesting payment of the remaining \$3,750.
6. On January 9, 2008, Board staff contacted Ms. Bishop (owner of L & H) and provided her copies of the ACL, signed Waiver of Hearing Form, first installment payment of \$1,250, and the August 13, 2007 demand letter for the balance due. Ms. Bishop indicated that she was having financial difficulties and that she should be able to pay the balance from the cash infusion during a structured downsizing of the company. As of the date of this order, L & H has not paid the balance due.
7. The facility violated the General Permit, the Federal Clean Water Act and the California Water Code by failing to submit the annual report by July 3, 2006.
8. Water Code Section 13399.33(c) requires the Board to assess a mandatory penalty of one thousand dollars (\$1,000) for failure to submit the annual report. Section 13385 allows the Board to assess additional penalties for violations of Waste Discharge Requirements. The Executive Officer issued Complaint No. R8-2007-0021. L & H waived its right to a hearing and agreed to pay the assessed penalty in four installments of \$1,250 each. L & H paid only one installment of \$1,250. This order is to facilitate collection of the balance of \$3,750.
9. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that, pursuant to California Water Code Section 13385, administrative civil liability shall be imposed on L & H Mold & Engineering, in the amount of \$5,000 as proposed in Complaint No. R8-2007-0021 for the violations cited. The unpaid balance of \$3,750 is payable as set forth below.

1. L & H Mold & Engineering shall pay \$3,750 to the State Water Resources Control Board by March 31, 2008.

The Executive Officer is authorized to refer this matter to the Attorney General for enforcement.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on February 29, 2008.



Gerard J. Thibeault
Executive Officer